

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BOARD OF TRUSTEES, et al.,	:	
Plaintiffs,	:	Case No. 2:03-cv-474
		2:07-cv-874
v.	:	
		Judge Holschuh
GROUND LEVEL, INC. et al.,	:	
Defendants.	:	Magistrate Judge Abel
	:	

ORDER

On April 15, 2008, Magistrate Judge Abel issued a Report and Recommendation in which he recommended that judgment in the amount of \$9,397.68 plus costs and attorney fees be entered against Defendants, and that a ruling on further sanctions against Defendants be deferred. (Doc. 60 in Case No. 2:03-cv-474; Doc. 24 in Case No. 2:07-cv-874.) No objections to that Report and Recommendation were filed.

Moreover, Magistrate Judge Abel's Status Conference Order dated May 19, 2008 recites that the parties acknowledged that Defendants have paid all "amounts due and owing the plaintiff funds, including penalties and interest." Plaintiffs then filed an unopposed motion for attorney fees. On July 10, 2008, Magistrate Judge Abel issued a Report and Recommendation, recommending that judgment be entered awarding Plaintiffs \$6,142.50 in attorney fees. On August 7, 2008, the Court adopted Magistrate Judge Abel's July 10, 2008 Report and Recommendation, granted Plaintiffs' motion for in attorney fees, and gave Defendants 15 days to pay Plaintiffs \$6,142.50. Nothing in the record indicates that Defendants have failed to comply with that Order.

It therefore appears to the Court that the matters in dispute have been fully resolved. Nevertheless, a couple of motions remain pending. As an initial matter, the Court notes that it has never officially adopted Magistrate Judge Abel's April 15, 2008 Report and Recommendation, to which no objections were filed. The Court now **ADOPTS** that Report and Recommendation and enters judgment against Defendants in the amount of \$9,397.68. The Court notes, however, that the parties have acknowledged that this judgment has already been fully satisfied.

In addition, Plaintiffs' motion for sanctions, filed on March 20, 2008 (Doc. 57 in Case No. 2:03-cv-474 and Doc. 20 in Case No. 07-cv-874), remains pending. No later than October 15, 2008, Plaintiffs shall either withdraw that motion or **SHOW CAUSE** why it should not be denied as moot.

IT IS SO ORDERED.

Date: September 24, 2008

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court